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State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General

MARK S. HERR
Director

June 26, 1998

VIA REGULAR AND CERTIFIED
MAIL RETURN RECEIPT REQUESTED

Mailing Address:
P.O. Box 45020
Newark NJ 07101
(973) 504-6500

Donald Shatto, VMD
Garden State Veterinary Specialist
94 Route 46 East
Hackettstown, NJ 07840

Re: Case Number 97-82
Mary Tanderup

Dear Dr. Shatto:

The New Jersey State Board of Veterinary Medical Examiners has had the opportunity to complete its review of the above-referenced complaint. This is to advise you that, based upon your testimony at the April 29, 1998 investigative inquiry, your response and patient records and a review of Mrs. Tanderup's complaint, the Board has found that you were negligent in the treatment of Mrs. Tanderup's dog. Specifically, that you maintained poor patient records, a violation of **N.J.A.C. 13:44-4.9**, a copy of which is enclosed. The Board has also found that you failed to perform a post operative examination of Mrs. Tanderup's dog and that you maintained poor communications with Mrs. Tanderup. Both of these violations constitute professional misconduct pursuant to **N.J.S.A. 45:1-21(e)**, a copy of which is also enclosed. The Board is therefore assessing the following penalties:

- \$1,500 for one count of professional misconduct and,
- \$750.00 for maintaining poor patient records

You are hereby afforded the opportunity to dispose of this matter without a hearing and without recourse to litigation by executing the attached form and returning it to the Board within ten (10) days together with your remittance made payable to the Board of Veterinary Medical Examiners in the amount of \$2,250.00.

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If you wish a formal hearing in this matter, you may request the same within ten (10) days of the date of this letter. At the time of hearing, you may appear with legal counsel of your choice and with witness and documentary evidence. At that time, the Board will not be bound to the terms stated in this letter and may, after presentation and evaluation of all the evidence presented, impose any sanctions contained in N.J.S.A. 45:1-22, which include revocation or suspension of licensure and assessment of penalties up to \$2,500.00 per violation. Additionally, the Board may, if the facts warrant, enter an order requiring the restoration of any monies acquired by unlawful acts and the payment of all costs in this matter.

If you do not reply to this letter within the required ten (10) day period, then the Board will make its determination on the evidence in the record and will take such action as may be allowed by law, which may include additional penalties pursuant to N.J.S.A. 45:1-21 based on your failure to respond to official Board correspondence.

Very truly yours,



Dorcas K. O'Neal
Executive Director

DKO:bj
Enclosures
c Brenda Lewis, DAG

CERTIFICATION

I, Donald B. Shatto (M), hereby acknowledge that I have read and reviewed the Board's letter of June 26, 1998, regarding allegations of violations of the Board's enabling act and/or Board regulations.

PLEASE CHECK ONE:

I acknowledge the conduct which has been charged and agree to:

- pay a penalty in the amount of \$2,250.00 (to be paid upon signing of this certification).

I am also aware that the action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification form are public documents.

I hereby waive any rights I may have to a hearing in this matter to defend myself against any charges, but ask the Board to **consider my explanation** before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does so I will be obligated to comply. I am also aware that the action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification are public records.

I **request a formal administrative hearing** to contest the charges specified by the Board. I understand that I will be advised of the time, date and place for that hearing at another time. I am aware that I may be represented by an attorney and that at the time of the hearing I may submit to the Board testimony and documentation relevant to the charges. I understand that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that herein offered and may order such other remedies as it may deem appropriate. I am also aware that this proceeding is a matter of public record and that the Board's letter and this certification are public documents.


(Signature)

Dated: July 3, 1998

DONALD B. SHATTO (M)
(Print Name)

*Pd 7/9/98
Bus ck# 2414
\$ 2,250.00*